

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

MAURICE ALLEN

Plaintiff

vs.

**DEERFIELD MFG. INC.,
A SUBSIDIARY OF
ICE INDUSTRIES**

Defendant

CASE NO. 1:02cv492

Judge Spiegel

Magistrate Judge Hogan

**PLAINTIFF'S MOTION FOR
EXTENSION OF TIME TO FILE
MEMO IN OPPOSITION TO
MOTION TO STRIKE**

Now comes Plaintiff, and for the reasons set forth in the attached memorandum, requests an extension of three days to file a memorandum in opposition to Defendant's motion to strike portions of Plaintiff's affidavit.

Respectfully submitted,

s/ David Torchia
David Torchia -- 0015962
Tobias, Kraus & Torchia
911 Mercantile Library Bldg.
414 Walnut Street
Cincinnati, Ohio 45202
(513) 241-8137
Attorney for Plaintiff
davet@tktlaw.com

MEMORANDUM

On January 7, 2004, Defendant filed a motion to strike portions of the affidavit Plaintiff submitted in support of his memo in opposition to Defendant's motion for summary judgment. Pursuant to Local Rule 7.2(a)(2), Plaintiff's memorandum in opposition is due on February 2, 2004.

Counsel has recently been pressed with other matters including depositions on January 27, 2003, an appellate brief due on January 28, 2003; a reply memo due on January 30, 2004; and preparation of several items including witness and exhibits lists, motions in limine, jury instructions, proposed voir dire, and stipulations in a case set for trial on February 23, 2004 that were originally due on January 29, 2004 but extended until February 2, 2004.

The foregoing matters have not allowed sufficient time for Counsel to complete his brief. Accordingly, Plaintiff requests an extension of three (3) days to file his memorandum in opposition to Defendant's motion to strike.

Respectfully submitted,

s/ David Torchia
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Tobias, Kraus & Torchia
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Cincinnati, Ohio 45202
(513) 241-8137
Attorney for Plaintiff
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document has been filed electronically and served by ordinary U.S. Mail to Renisa A. Dorner, Wise & Dorner, Ltd., 151 N. Michigan Street, Suite 333, Toledo, Ohio 43604 on February 2, 2004.

s/ David Torchia
David Torchia -- 0015962